



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE MORAL LAW.

We must examine the actions and motives commonly called good or bad, and try to discover the principle according to which they are judged. When this criterion has been found, we shall know what lies at the bottom of all morality and might then, if we choose, by considering the nature of man and the conditions of life, deduce an ethical system, containing at least the most general laws. For, as Höffding says: "The science of ethics is only a development of that which is implicitly contained in universal sympathy, as gradually developed in the human race.*"

In our quest for the standard of morals, we are, however, to proceed inductively, leaving it to history to evolve the contents of the principle underlying moral progress. We shall, therefore, first consider the nature of the moral law.

The question here is to determine the characteristic quality of the moral law. Our attention must, therefore, be directed to the subject-matter of the laws. The particular moral laws deal with human conduct of which they prohibit some forms and enjoin others. Thus the injunctions, thou shalt not steal, thou shalt not kill, thou shalt not bear false witness, commit adultery, etc., all forbid actions detrimental to others. On the other hand, there are rules more positive in their demands: Be truthful, give each man his due, serve the society of which you are a member, assist those in distress, employ your powers for the advancement of humanity. These also ordain modes of behavior the neglect of which would cause harm to others.

It is therefore quite in accordance with the facts to say that such acts are called wrong as produce consequences detrimental to the well-being of others. And though moral laws chiefly prohibit the performance of harmful deeds, the exist-

* Höffding, *INTERNATIONAL JOURNAL OF ETHICS*, October, 1890. See also Zeller, "Vorträge und Abhandlungen." 3. Sammlung, *Ueber Begriff und Begründung sittlicher Gesetze*.

ence of precepts asking for the removal of human suffering leads us to the conclusion, that morality enjoins not merely a passive avoidance of hurtful consequences, but a more active care for the safety and welfare of our fellows.

It is, therefore, characteristic of the moral law that it conduces to a certain end. This end taken in its smallest compass seems to be the welfare of others. Inasmuch as moral actions are the products of conscious human beings, the most reasonable inference is, that the above mentioned end is one *desired* by men. In other words, they care for the good of their fellows. The examination of the objective end of conduct and the conclusion, verified by our own self-consciousness, that such a purpose is really sought by agents, bring us to the very root of morality. The underlying principle is the desire for the welfare of others or sympathy. To this the evolution of morality must be ascribed. We are moral beings because there is in us a sympathetic impulse or instinct or love. Schopenhauer clearly recognizes this fact when he makes compassion the foundation of ethics (*Das Fundament der Moral*). Sympathy as expressed in the command, Love one another, is also regarded by Christ as the highest virtue, as the law on which all other laws are grounded. And even where it is not openly declared as such, it is nevertheless tacitly assumed. Every society that prefers order to internal war acts in accordance with it. All moral laws in the mechanical state of Hobbes aim at hindering the *bellum omnium contra omnes*; peace and social welfare are therefore the ends desired by its members. If there were not such a feeling of sympathy, the good of others could never be a human end; men would treat one another as they now treat lifeless objects, using them as means for selfish purposes. Society is based on the sympathetic impulse which seems to be an original possession of the human heart.

We aim at the good of others because we are sympathetic, because we care for them. The moral law grows in scope with the extension of human sympathy, which runs parallel with the progress of intelligence. Together with the con-

sciousness of community of nature, that we are one with all mankind, good-will develops. The circle becomes wider and wider, until at last it may embrace the whole of humanity.

Special attention must here be called to the fact that the objective side of conduct frequently receives too much prominence. It cannot be denied that moral conduct has consequences beneficial not only to present society, but also to future humanity. So that if we emphasize the objective side of morality and speculate on the ultimate end of conduct, we finally adopt the theory of an Ihering or a Wundt. It is true that every moral action has its effects, that no effect can be destroyed, but becomes the means to further ends, and that such ends make room for other ends. Certain modes of behavior by benefiting individuals benefit society, humanity, and all the countless generations of mankind. Every good and evil deed has its place in and influence on the evolution of the human race.

“ Das ist der Fluch der bösen That,
Dass sie fortwährend Böses muss erzeugen.”

A man believing in and understanding the progress of the human race may experience the desire to contribute to its development by adapting his behavior to such high ideals. But the average human being is not of so idealistic a turn of mind and would doubtless snap his fingers at the ultimate perfection of humanity. Wundt's system falls into the error of pursuing the ends through the countless ages of time. If we view conduct under its objective aspect merely, and speculate on its teleology, we drift away to seemingly vague and irrelevant conclusions. Thus Wundt begins by examining the purpose of particular acts and ends by hypostasizing a metaphysical entity, the “*Gesammtville*.”

We must guard against losing ourselves in such speculations, and confine ourselves to the more *immediate* ends of the moral law. This procedure possesses the advantage of bringing the objective effect of the law into correspondence with the subjective purpose of the agent. The ethical rule forbids acts detrimental to others, and urges the performance of con-

duct relieving suffering. This end achieved by the law itself agrees with the purpose of the subject. The feeling of sympathy has prompted men to set up as the end of their conduct the welfare of those whom they regard as their co-equals, and the moral laws embody such actions as have been found by experience to attain the desired purpose. Since the greatest impediment to the sought-for object comes from certain modes of conduct, the chief stress is laid upon the *avoidance* of these. The disobedience of such laws would destroy all possibility of social life. The negative conditions of harmonious social life are, therefore, of immense importance and must occupy the most prominent position in the ethical code. Hence: thou shalt *not*! And, indeed, we find that primitive societies are satisfied with the *avoidance of harmful behavior*. It was left for Christ to urge a more positive exercise of the sympathetic impulses, and to give the command, Love one another.*

We observe, then, that the moral law tends at first to the avoidance of conditions pernicious to social life, and gradually extends until it embraces in its purposes not only the conservation, but even advancement of society. This does not imply, however, that the end is always actually before the individual's mind. He may act from altogether selfish motives in obeying the law. Yet the original purpose of the law, as well as the end at which it aims, can never be self-realization, as is sometimes maintained. It deals with the relations of the individual to other individuals, commanding him to sacrifice his welfare to that of his fellows, wherever a conflict arises between egoistic and altruistic impulses. The individualistic theory consequently errs in interpreting the law as aiming at individual welfare. Subject moral precepts to the closest scrutiny—if you find a single one enjoining renunciation of self, your individualistic theory falls to the ground. We are further borne out in our view by the com-

* Plato was the first in Europe to say: "It is better to suffer wrong than to do wrong." See "Rep.", bk. i.

mon sense of mankind, which stamps every act as morally worthless that aims at a *selfish* end.

Make self-realization the moral aim, and he is the moral man who *consciously* seeks that end. This is in direct contradiction to common-sense morality, which would condemn such an agent as immoral. There can be no *self-sacrifice* in the code of the individualist. It is rather stretching the theory to declare that an individual is realizing his self in sacrificing his life for the good of others. And even granting this impossibility, would you call him subjectively good whose conduct is inspired by the love of fame or the desire to get to heaven?

Adherents of such theories seem to me to forget that it is not the business of the philosopher to establish a new ethical code, but to interpret the one existing, and to show to what principle it owes its origin. An examination of the laws commonly received as moral fails to yield the results claimed by individualists. Moral laws do not consider the individual, as such. They tend to regulate the relations existing between men, thereby ensuring the possibility of social welfare. The end sought is the good of the whole, not that of any particular individual. Only in so far as self-preservation and self-perfection affect the life of society can they be designated as moral. This does not mean that egoistic actions are *immoral*, but simply that they are not objects of moral reflection at all. No one means to exterminate egoistic impulses; no one asks that every human action be a conscious moral act.

Fichte consequently exaggerates when he says: "There is but one virtue: to forget oneself as a person; but one vice: to think of oneself. Whoever in the least thinks of himself as a person, and desires a life and an existence and any self-enjoyment whatever except *in* the race and *for* the race, that man is, in spite of all attempts to conceal his moral deformity under the guise of other good deeds, a mean, petty, reprehensible, and miserable wretch." This language is, of course, extreme. The statement that the moral law has for its end

the good of others, does not mean that self-regarding impulses are to be exterminated. From the proposition: Morality consists in doing good to others, we cannot infer that immorality consists in doing good to self. Immorality is doing harm to others; doing good to self is not necessarily doing harm to others. The moral law was made for man, not man for the moral law. He may seek to realize himself to his heart's content, as long as his actions do not transcend the proper limits, that is, do not harm his fellows. You can love your fellow-man without hating yourself; you can be an altruist without being an ascetic. In fact, we need not consider egoistic impulses ethically at all except in so far as they result in injury or benefit to others. Up to a certain point a man may be an egoist without hurting anyone. Indeed, he must be an egoist in order to be an altruist; men who care for themselves are benefiting society more than men who, neglecting themselves and their families, are trying to help others all the time. "God helps the man who helps himself."

To say that an act has no moral worth is not to deny its right to existence any more than the characterization of an action as unæsthetic cancels its utility. Only when an act is followed by consequences beneficial or detrimental to the welfare of others does it become matter for moral reflection. Only when an egoistic impulse causes injury to others is it to be exterminated. As long as egoistic impulses act without colliding with the social welfare, so long the moral law remains in the back-ground. Our daily experience teaches us that such impulses occupy a wide range of undisturbed action. Morality is not the whole of life. It is not required that the individual extinguish all natural desires and live simply because his living benefits society. We may all walk on the high-way of life without tripping each other up.

The preceding discussion has been considering the objective characteristics or traits of the moral laws, that is, the actions with which these deal. Actions are called good when they benefit others; bad, when they have a tendency to injure others. It now behooves us to look at the *subjective* side, to

notice the attitude of the consciousness of the agent toward conduct. Here the *purposes or motives* of the subject are called to account. Now the purposes of the subject and the end or purpose of the act may be identical, but frequently differ. I may obey the moral law, or be moral because I care for the good of others, or for the pleasure it gives me, or from fear of punishment in this world or the world to come, or because I believe the act to be pleasing to the Deity, or because I have been taught to consider it as right, or from habit, or because it is useful to the world or to myself, or because my conscience tells me so. When self-consciousness and introspection reach a high degree of development, motives are also judged, and the epithet *moral* no longer restricted to actions. Then morality becomes internal; the law does not look to the mere performance of acts, but condemns certain motives as immoral. Christ is not satisfied with mere outward conformity to the law. "Ye have heard that it was said by them of old time, thou shalt not commit adultery: But I say unto you, that whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart." Christ's moral teaching is characterized by this, that it judges motives as well as acts, and lays stress on the fundamental law: Love one another. We have found the end of morality to be the good of our fellows. The agent is objectively moral when his actions conform to this principle, subjectively moral only when his motives are in harmony with it. It is quite possible that the motive be moral and the act the reverse, for the selection of the proper means necessary to achieve a certain end depends upon the intelligence of the agent. History and common experience furnish numerous examples of the discrepancies between motives and conduct. On the other hand, behavior inspired by non-moral impulses or purposes may nevertheless be moral in its effects.

In spite of this diversity of motives, we may safely assert that the end to which moral conduct tends was really the end implicitly sought by primitive mankind. When once certain lines of conduct become fixed the attitude of consciousness

towards them begins to vary. We forget the reasons which led to their establishment. Time fixes them so firmly in our hearts and surrounds them with feelings of such reverence that we obey them for their own sake—we love virtue for virtue's sake. Yet the moral judgment excludes all motives running counter to the fundamental principle of good-will or sympathy. By this the moral worth of acts was measured ; this also forms the standard for judging springs of conduct.

The man in whom intelligence and morality are combined is subjectively and objectively moral. That is to say, his actions are guided by human sympathy and a highly developed knowledge of means.

We are now prepared to cast a glance at the form of the moral law. The term law may be employed in two senses, meaning either a prescription for action or the statement of that which, under certain conditions, must and will always happen. In the former case its grammatical form is the imperative, in the latter the indicative mood. When we speak of moral laws we generally mean a precept, although, of course, the term may be applied to a proposition stating what occurs under certain conditions. All imperatives, unless they are the edicts of an idiot, rest upon some knowledge, which may be expressed in judgments. When I ask a person to perform a certain act, I expect that act to lead to a certain end.

Now, moral imperatives are neither divine decrees nor groundless injunctions, but commands given *for the purpose of reaching certain ends*. First, it was found by experience that certain acts were harmful, then the law forbidding them was given. Having the indicative moral law, the imperative is easily found. Stealing has such and such effects ; these effects are undesirable ; therefore do not steal. The grounds of all imperatives lie in their effects. If you would reach this end, you must perform this act. The imperative is hypothetical. In morality the end sought is the social welfare. Avoid such and such deeds. Why ? Because they bring injury to your fellows. *Why care for the welfare of your fellows ? No*

answer can be given. We have struck the bedrock of ethics. The imperative "love thy neighbor" is categorical. This is the fundamental law of morality. This is the principle for which we have been seeking, from which all morality springs.

The question next arises : What is the range of the moral law ? The moral laws are neither immutable nor valid for all members of society at all times. In the course of history the growth of knowledge and the change of conditions are accompanied by a corresponding change in morality. The end is the well-being of society. Ethical rules express the means found by men to reach that end. If we possessed a perfect knowledge of all the circumstances, we might possibly arrive at a perfect knowledge of the means. Then, if the conditions were *fixed*, the laws might be stable. But both our experience and life-conditions are variable quantities. The law embodies our experience up to date and may be changed by the addition of new knowledge. Given these conditions and this end, how is the end reached ? That is the problem of morality, a problem which the race unconsciously solves according to its experiences. The answer varies with circumstances and degrees of intelligence. The diversity of ethical judgments at different times and in different societies is therefore easily explained. And even if the conditions and the state of intelligence were the same in different societies, yet there might be different solutions to the same problem : there may be different means of reaching the same end.

Let us consider the validity of the laws within a given society. They are neither absolute nor universal. Killing is prohibited, but may, under certain circumstances, become a matter of necessity. Not all laws hold for all members of a society alike, because there is a difference in conditions and dispositions of men. The thought of Hoffding is of importance here : "The several ethical theories," he says, "are clearly wrong in asserting that the same moral laws or commandments are valid for all men under the same circumstances ; for on account of different capacities and impulses the demands will have a highly different practical bearing

on individuals. The fulfillment of one and the same command may be a necessity for one man, a mighty difficulty for a second, and an absolute impossibility for a third.”*

The greater your possibilities for doing good, the greater your obligations. *Noblesse oblige*.

To sum up: Moral laws differ for different stages of society; for different societies of the present, because conditions differ; within the limits of a given society, because the conditions and the individuals themselves differ.

The foregoing discussions can leave no one in doubt concerning our opinion of the origin of moral laws. Ethical precepts are based on natural laws. They are neither innate truths nor divine revelations, but empirical judgments. The end is social welfare. Experience teaches men how to realize that end.

Man is endowed with sympathetic instincts which impel him to care for others. At first these impulses act within a very narrow compass, being limited to the members of a tribe perhaps. And even here, as ever afterwards, they may be temporarily obscured by other impulses, just as selfish desires are frequently defeated by feelings of fear, superstition or anger. In the course of time the consciousness that we are one with all mankind grows upon us, and the feeling of sympathy extends to wider and wider circles, until, finally, it embraces humanity itself.† The latter stage in the evolution of sympathy has by no means been reached by all, but an intensification of social feeling has doubtless taken

* See INTERNATIONAL JOURNAL OF ETHICS, October, 1896; also, Paulsen, "System der Ethik," Einleitung; also, Höffding, "Ethik," XI., 10, p. 154.

† A glance at the growth of religions, which always embody the conceptions and ideals of men, exemplifies this gradual extension of other-regarding or sympathetic feelings. There is an advance from the narrow family religion through the national type to the universal religion of Christianity. (See Sir Henry Maine, "Early Law and Custom," p. 57.) The history of Greece and Rome also shows a *gradual progress of sympathy*. (See Lecky, "History of European Morals," I., pp. 228-230.) Of Rome Lecky says: "The moral expression of the first period is obviously to be found in the narrower military and patriotic virtues; that of the second period, in enlarged philanthropy and sympathy," I., 239.

place. Of course as the circle of sympathy grows the circle of morality grows. Moral forms are the product of history. It is not wonderful that they are multiplied and developed. Not only do the conditions of life become more complex and our knowledge deeper, but the ends themselves expand, as we have seen.

We cannot, however, agree with Ihering and derive everything from egoism. According to him the egoist is nature's work, the moral man the work of history. This complete change of the egoistic impulse into the altruistic he regards as the greatest masterpiece of history on earth.* It would indeed be a great masterpiece, miraculous enough to transcend our powers of comprehension. The adherents of the Hartleyan school held similar views, and tried to show how the transformation was effected.† We cannot conceive how egoism can be converted into its direct opposite, how it can negate itself. We must regard sympathy as an original part of the constitution of our nature. The evolution of sympathy and the conscious realization of the ends at which it unconsciously aims, that is the work of history. We refer again to Höffding's remark that the whole of morality is implicitly contained in this instinctive feeling.

The fundamental law of ethics gives expression to the sympathetic impulse. In its rudimentary form it demands that you love your neighbor. As the circle of sympathy extends to society and humanity, the fundamental law finds utterance in the imperative : have regard for society and humanity. In each case the ground-law is the source of a multitude of derivative rules. The larger part of these prohibit all acts opposing the realization of the general end, while others prescribe the removal of conditions unfavorable to its attainment.

Although the more limited command, love your neighbor, is not repeated by the social law, it must nevertheless yield to

* Ihering, "Der Zweck im Recht," vol. II. Das Sittliche, p. 95.

† Hartley, "On Man," pp. 473-475. vid. Lecky "History of European Morals," p. 25.

the latter in case of collision. You may sympathize with the criminal, while your regard for a wider circle of beings will lead you to sacrifice him to their interests. The sentimental women who overload the guilty murderer with the flowers they should scatter on the grave of his victim, are narrow-hearted. They are unable to subordinate the sympathy they feel for an individual to the sympathy which they owe to humanity. The time may come when even social or national ends will be offered up on the altar of humanity. Then only will nations renounce advantages accruing to themselves in the interests of human welfare, using the term in its widest sense.

In the early stages of society when the altruistic feelings extend no further than to the members of a tribe, physical courage is the highest virtue, being the best means of securing welfare.* Ancient epic poetry teems with the praise of this virtue. The advance of civilization, however, deprives this quality of its importance; men are seldom called upon to exercise it. Moral laws tending to insure internal peace and order come into prominence. Moral courage becomes a better means of furthering the welfare of humanity than physical courage.

Veracity, honesty, justice, sexual fidelity, have been found to be qualities productive of good effects. If, under peculiar circumstances, such favorable results cannot be achieved except by breach of the law, it may be broken. If injury were caused by justice, we should soon dispense with it. The Roman patricians took high rates of interest from the plebeians: after accepting the money and agreeing to pay the stipulated sums, the latter unjustly refused to fulfill their promises. Absolute obedience to the law would have begotten direful consequences. Justice was therefore temporarily suspended and conditions changed. Shylock's demand was just enough, but we can get along without such justice.

* Paulsen's "Ethik," Bk. III, ch. i.; Leslie Stephen, "Science of Ethics," ch. v.

An examination of the different rules would yield similar results to those noticed above. We may say with Sidgwick: "No quality has ever been praised as excellent by mankind generally which cannot be shown to have some marked felicitic effect, and to be within proper limits obviously conducive to the general happiness."* Or with Cicero who says: "How are such virtues as generosity, or love of country, or the desire to do good to your fellow-man, or gratitude possible? All of them spring from the fact that we are by nature impelled to love one another. This is the foundation of law!"

FRANK THILLY.

UNIVERSITY OF MISSOURI.

DISCUSSION.

ETHICAL *versus* INTELLECTUAL IDEALISM.

PROFESSOR JOHN WATSON has, in his paper in the INTERNATIONAL JOURNAL OF ETHICS for July, 1899, set out very clearly and well the differences between current "Intellectual Idealism" and the new "Ethical Idealism." They each emphasize one set of elements without realizing how really similar in kind is the defect which they thus share in common.

The "ethical" idealism to which we prefer to ally ourselves is one in which Reason and Knowledge are certainly "the same in *kind*, though not in *extent*," as they are in God. We do not place any bar or limit to knowledge or man's receptiveness of the Divine, so "intellectual" at the same time is our idealism. Professor Watson belabors "ethical" idealism for its too exclusive stress on feeling and will, and fails to realize that he is in no better case because his "intellectual" idealism so magnifies knowledge or thought. He very properly says a true philosophy does not confine itself "to the intellectual side of man's nature, to the exclusion of the ethical and religious." But though in this,

* "Methods of Ethics," B. V. p. 489.